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FM AMEMBASSY HARARE
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5268
INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
RUEHAR/AMEMBASSY ACCRA 3232
RUEHDS/AMEMBASSY ADDIS ABABA 3343
RUEHDK/AMEMBASSY DAKAR 2970
RUEHKM/AMEMBASSY KAMPALA 0031
RUEHNR/AMEMBASSY NAIROBI 0033

UNCLAS HARARE 001009

SIPDIS

AF FRONT OFFICE
AF/S FOR B.WALCH
DRL FOR N. WILETT
AF/RSA FOR LOUIS MAZEL, LAURA GRIESMER, AND LEARNED DEES

E.O. 12958: N/A

TAGS: ASEC KDEM PGOV PHUM PREL PTER ZI

SUBJECT: ZIMBABWE RESPONSE TO REQUEST FOR INFORMATION ON HUMAN RIGHTS TRENDS PERTAINING TO SEXUAL ORIENTATION AND GENDER IDENTITY

REF: STATE 130765

¶1. (U) Under Zimbabwean law, sexual acts between same sex individuals are criminalized. Specifically, the Zimbabwean Criminal Code states that sodomy is illegal, while sexual acts between women are unlawful as they constitute "unnatural acts." With strong support from President Robert Mugabe, Parliament overhauled the country's anti-homosexual legislation in 2006 and broadened the definition of sodomy to any "act involving contact between two males that would be regarded by a decent person as an indecent act." Additionally, Section 11 of the pre-independence Censorship and Entertainments Control Act of 1967 has been used to harass gay people in Zimbabwe. The Act states that "no person shall import, print, publish, distribute or keep for sale any publication which is undesirable." A publication is undesirable if it is "indecent or obscene."

¶2. (U) While Section 23 of the Zimbabwean Constitution protects citizens from a variety of forms of discrimination, including discrimination on grounds of race, gender, ethnicity, and religion, it is silent on homosexuality. This suggests that a challenge of the criminal code on the basis of protection from discrimination would not be successful. There have been numerous prosecutions of homosexuals in Zimbabwe, most notably former ceremonial president of Zimbabwe Canaan Banana (served from 1980 to 1987) who was convicted of engaging in sodomy in 2000 and served eight months in prison.

¶3. (U) Politically, President Robert Mugabe has been one of Africa's most outspoken and virulent critics of homosexuality. He has made numerous statements attacking homosexuals and has railed against homosexuals as being "worse than pigs and dogs." Consistent with many of his anti-western messages, he has argued that homosexuality is a western import. Mugabe's ZANU-PF party has supported his anti-gay rhetoric, while the MDC party has been more supportive of gay rights.

¶4. (U) Zimbabwean culture has traditionally not been accepting of homosexuality. While that has begun to change in urban areas, criticism of homosexuality is still widely prevalent in the country's rural areas. Civil society groups interested in the issue have failed in efforts seeking legislative protection of gay rights, but these groups are seeking to include gay rights in ongoing efforts to reform the constitution. The Gay and Lesbian Association of Zimbabwe is the most prominent organization advocating for

gay rights in the country, but only has 400 members.

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